

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

DONALD SHARMA, (Owner) Stop N Go
Mini Mart,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No. 3:21-cv-00810-AC

ORDER

IMMERGUT, District Judge.

On September 16, 2021, Magistrate Judge John V. Acosta issued his Findings and Recommendation (“F&R”). ECF 16. The F&R recommends that this Court grant Defendant’s motion for summary judgment. No party filed objections. For the following reasons, the Court ADOPTS Judge Acosta’s F&R.

STANDARDS

Under the Federal Magistrates Act (“Act”), as amended, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.”

28 U.S.C. § 636(b)(1). If a party objects to a magistrate judge’s F&R, “the court shall make a de novo determination of those portions of the report or specified proposed findings or

recommendations to which objection is made.” *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act “does not preclude further review by the district judge, sua sponte” whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

CONCLUSION

No party having filed objections, this Court has reviewed the F&R and accepts Judge Acosta’s conclusions. The F&R, ECF 16, is adopted in full. Defendant’s motion for summary judgment, ECF 11, is GRANTED, and this action is DISMISSED with prejudice.

IT IS SO ORDERED.

DATED this 25th day of October, 2021.

/s/ Karin J. Immergut
Karin J. Immergut
United States District Judge